

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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IN RE TREMONT SECURITIES LAW, :  
STATE LAW AND INSURANCE :  
LITIGATION : Master File No.:  
 : 08 Civ. 11117 (TPG)  
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This Document Relates to: :  
  
ELENDOW FUND, LLC, :  
 : 10 Civ 9061 (TPG)  
Plaintiff, :  
 : ECF CASE  
-against- : Electronically Filed  
  
RYE SELECT BROAD MARKET XL FUND, : **NOTICE OF MOTION**  
L.P., et al, :  
 :  
Defendants.  
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PLEASE TAKE NOTICE that, upon the Second Amended Complaint, the accompanying memorandum of law, the Declaration of Jason C. Vigna, dated November 16, 2012, and the exhibits thereto, and all prior papers and proceedings herein, defendants Tremont Partners, Inc., Tremont Group Holdings, Inc., Tremont Capital Management, Inc., Rye Investment Management, Rupert Allan, Jim Mitchell and Robert Schulman will move this Court, before the Honorable Thomas P. Griesa, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York 10007, for an Order: (i) dismissing the Second Amended Complaint pursuant to Rules 9(b), 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure and Section 101(b) of the Private Securities Litigation

Reform Act (“PSLRA”), 15 U.S.C. § 78u-4(b)(2); and (ii) granting such other and further relief as this Court may deem just and proper.

Dated: New York, New York  
November 16, 2012

/s/ Seth M. Schwartz

Seth M. Schwartz (Seth.Schwartz@skadden.com)  
Jason C. Vigna (Jason.Vigna@skadden.com)  
SKADDEN, ARPS, SLATE,  
MEAGHER & FLOM LLP  
Four Times Square  
New York, New York 10036  
(212) 735-3000

Attorneys for Defendants  
Tremont Partners, Inc.,  
Tremont Group Holdings, Inc.  
Tremont Capital Management, Inc.,  
Rye Investment Management,  
Rupert Allan, Jim Mitchell and  
Robert Schulman